

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
) MDL NO. 1456
)

) CIVIL ACTION: 01-CV-12257-PBS
)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

) JUDGE PATTI B. SARIS
)
)
)

**MOTION TO WITHDRAW AS COUNSEL FOR
B. BRAUN OF AMERICA INC. AND B. BRAUN MEDICAL INC.**

Pursuant to Local Rule 83.5.2(c), Daniel F. Attridge and Colin R. Kass hereby move for leave to withdraw as counsel for B. Braun of America Inc., and Daniel F. Attridge, Colin R. Kass, and Robert S. Ryland hereby move for leave to withdraw as counsel for B. Braun Medical Inc.

The only action pending before this Court in which B. Braun of America Inc. and B. Braun Medical Inc. are currently parties is the matter brought by the State of California. Both B. Braun of America Inc. and B. Braun Medical Inc. have filed Motions to Dismiss the State of California's First Amended Complaint.

By Order dated March 15, 2006, John P. McDonald, Michael C. Moore, and Karin B. Torgerson of Locke Liddell & Sapp, LLP, were admitted pro hac vice to serve as new counsel

for B. Braun Medical Inc. To the extent necessary, this counsel has also requested to represent B. Braun of America Inc.¹

B. Braun of America Inc., B. Braun Medical Inc., and their new counsel have no objections to this motion.

The only motions related to B. Braun of America Inc. or B. Braun Medical Inc. currently pending in the State of California's action are the defendants' Joint Motion to Dismiss the State of California's First Amended Complaint and B. Braun of America Inc.'s individual Motion to Dismiss the State of California's First Amended Complaint. New counsel for B. Braun of America Inc. is fully aware of these pending motions and is prepared to assume sole responsibility for this matter.

Therefore, for the reasons stated herein, Daniel F. Attridge and Colin R. Kass hereby move for leave to withdraw as counsel for B. Braun of America Inc., and Daniel F. Attridge, Robert S. Ryland, and Colin R. Kass hereby move for leave to withdraw as counsel for B. Braun Medical Inc.

¹ B. Braun of America Inc. is not properly a party to this litigation and the Court has no basis to assert jurisdiction over B. Braun of America Inc. Nonetheless, to the extent necessary to challenge the Court's jurisdiction over B. Braun of America Inc., John P. McDonald, Michael C. Moore, and Karin B. Torgerson of Locke Liddell & Sapp, LLP also moved for admission to represent B. Braun of America Inc.

Dated: April 20, 2006

Respectfully Submitted,

/s/ Daniel F. Attridge
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion for Leave to Withdraw as Counsel for B. Braun of America Inc. and B. Braun Medical Inc. have been served on B. Braun of America Inc., B. Braun Medical Inc., and all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis for posting and notification to all parties on this 20th day of April, 2006.

/s/ Daniel F. Attridge

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